REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed January 25, 2007 (Paper No. 20070104). Upon entry of this response, claims 1-2, 5-15, 17-26, and 28-30 are pending in the application. In this response, claims 1, 13, 25, and 30 have been amended, and claims 3-4, 16, and 27 have been cancelled. Applicant respectfully requests that the amendments being filed herewith be entered and request that there be reconsideration of all pending claims.

1. Specification Objections

The specification has been objected to as containing various informalities. Specifically, the Office Action (p. 2, section 1) identifies that paragraph 13 contains a typographical error. The specification has been amended to correct this typographical error. Applicant respectfully asserts that no new matter has been added.

2. Rejection of Claims 3-4, 16, 27, and 30 under 35 U.S.C. § 112, Second Paragraph

Claims 3-4, 16, 27, and 30 have been rejected under 35 U.S.C. §112, second paragraph, as alleged being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as his invention.

a. Claims 3, 4, 16, and 27

The Office Action (p. 4, section 3) states that claims 3, 4, 16, and 27 contain trademarks, which renders the claims indefinite. Claims 3, 4, 16, and 27 are cancelled without prejudice, waiver, or disclaimer, and the rejection of these claims is therefore rendered moot.

Applicant takes this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of these cancelled claims in a continuing application, if Applicant so chooses, and does not intend to dedicate any of the cancelled

subject matter to the public. Applicant expressly reserves the right to present cancelled claims 3-4, 16, 27, and 30, or variants thereof, in continuing applications to be filed subsequent to the present application.

   b. Claims 27 and 30

   The Office Action (p. 4, section 3) indicates that there is insufficient basis for "the process engine" in claim 27 and "the text file" in claim 30. Claim 27 has been cancelled, and therefore the rejection is moot. Claim 30 has been amended to depend from claim 29, which provides antecedent basis for "text file." Therefore, Applicant requests that the rejection of claim 30 be withdrawn.

3. Rejection of Claims 1-12 under 35 U.S.C. § 101

   Claims 1-12 stand rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Specifically, the Office Action states that "a signal does not fall within one of the four statutory classes of U.S.C 101." (Office Action, p. 3.) Claim 1 is amended to recite "computer readable storage medium." Applicant believes the amendment overcomes the rejection of claims 1-12, and requests that the rejection be withdrawn.

4. Rejection of Claims 1-30 under 35 U.S.C. §103

   Claims 1-30 have been rejected under §103(a) as allegedly obvious over *Mackawa et al.* (6,848,101) in view of *Hiew et al.* (7,110,936). As noted above, claims 3-4, 16, and 27 have been cancelled without prejudice or disclaimer, rendering this rejection moot with regard to claims 3-4, 16, and 27. Applicant respectfully traverses this rejection. It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly, all elements/features/steps of the claim at issue. *See, e.g., In re Dow Chemical,*

5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. Claim 1

Claim 1 has been amended to recite a "distributed computing software application." *Mackawa et al.* does not disclose, teach, or suggest a "distributed computing software application." *Mackawa et al.* discloses an application 11 which is "downloaded onto the local server 3 through the wide-area network 2 and is operated." However, *Mackawa et al.* does not describe the application 11 as a "distributed computing software application," nor does *Mackawa et al.* discuss any characteristics of the application 11 that would imply that application 11 is a "distributed computing software application."

Hiew et al. describes an integrated software application 30. However, *Hiew et al.* does not describe the application 30 as a "distributed computing software application," nor does *Hiew et al.* discuss any characteristics of the application 30 that would imply that application 30 is a "distributed computing software application."

Since the proposed combination does not teach at least the above-described features recited in claim 1, a *prima facie* case establishing an obviousness rejection has not been made. Thus, claim 1 is not obvious under the proposed combination of *Mackawa et al.* in view of *Hiew et al.*, and the rejection should be withdrawn.

b. Claims 13 and 25

Claim 13 has been amended to recite "a task list editor configured to create a task list, where the task list describes how at least one step in the life cycle of the software application is to be executed, the software application utilizing computing resources distributed over the network when executing." Claim 25 has been amended to recite "the software application utilizing computing resources distributed over the network when executing."

Mackawa et al. discloses a wide area network 2 which connects the center server 1 to a local server 3. (FIG. 1.) *Mackawa et al.* further discloses "[t]he application 11 in the center server 1 is downloaded onto the local server 3 through the wide-area network 2 and is operated." (Col. 5, lines 15-20.) However, an application which is downloaded to a computer through a network is not an "application utilizing computing resources distributed over the network when executing" as recited in claims 13 and 25.

Hiew et al. discloses two computers communicating over a network: "[t]o connect the computers 22a, 22b within the computer network 20, the computers 22a, 22b may include a network interface or adapter." (Col. 6, lines 4-6.) However, two computers communicating over a network is not a teaching of a "software application utilizing computing resources distributed over the network when executing" as recited in claims 13 and 25.

Since the proposed combination does not teach at least the above-described features recited in claims 13 and 25, a *prima facie* case establishing an obviousness rejection has not been made. Thus, claims 13 and 25 are not obvious under the proposed combination of *Mackawa et al.* in view of *Hiew et al.*, and the rejection should be withdrawn.

c. Claims 2, 5-12, 14-15, 17-24, 26, and 28-30

Since claims 1, 13, and 25 are allowable over the combined teaching of *Mackawa et al.* and *Hiew et al.*, Applicant respectfully submits that claims 2, 5-12, 14-15, 17-24, 26, and 28-30 are allowable for at least the reason that each depends from one of allowable claims 1, 13, and 25. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicant respectfully requests that the rejection of claims 2, 5-12, 14-15, 17-24, 26, and 28-30 be withdrawn.

5. Miscellaneous Allegations

The Office Action alleges, in connection with claim 3, that "[it] is well known that Borland JBuilder™ is an integrated development environment (IDE) for the Java programming

language." (Office Action, p 7.) The Office Action further alleges, in connection with claim 4, that "it is well known that Apache Ant™ is extended from a shell-based commands model using Java classes." (Office Action, p 8.)

Although claims 3 and 4 have been cancelled, Applicant nonetheless traverses each of the allegations that these features are well known. The description of a feature in one particular reference such as *Mackawa et al.* or *Hiew et al.* is not evidence that the feature is well known.

One specific or particular reason why the well-known finding in claim 3 is improper is that dependent claim 3 describes: creating a task list which describes how at least one stage in the life cycle is to be performed; and processing the task list by a process engine to perform at least one stage in the life cycle, wherein the process engine is integrated with a development environment, where the development environment is used to develop the software application; wherein the development environment is an integrated development environment; wherein the integrated development environment includes JBuilder. It has not been established that *within the context of the claimed subject matter*, the JBuilder feature is capable of instant and unquestionable demonstration as being well-known.

One specific or particular reason why the well-known finding in claim 4 is improper is that dependent claim 4 describes: creating a task list which describes how at least one stage in the life cycle is to be performed; and processing the task list by a process engine to perform at least one stage in the life cycle, wherein the process engine is integrated with a development environment, where the development environment is used to develop the software application; wherein the process engine includes Ant. It has not been established that *within the context of the claimed subject matter*, the Ant feature is capable of instant and unquestionable demonstration as being well-known.

CONCLUSION

Applicant respectfully requests that all outstanding objections and rejections be withdrawn and that this application and presently pending claims 1-2, 5-15, 17-26, and 28-30 be allowed to issue. Any statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions. If the Examiner has any questions or comments regarding Applicant's response, the Examiner is encouraged to telephone Applicant's undersigned counsel.

Respectfully submitted,

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